

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 26, 2024**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Shawn Erich Fowler

Case Number: 0980 2:17CR00023-TOR-2

Address of Offender: [REDACTED] Spokane, Washington 99204

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: June 20, 2018

Original Offense: Conspiracy to Distribute 50 Grams or More of (Pure) Methamphetamine, 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), 846

Original Sentence: Prison - 120 months
TSR - 60 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: October 24, 2024

Defense Attorney: Steven Paul Frampton

Date Supervision Expires: October 23, 2029

PETITIONING THE COURT

To issue a warrant.

On October 24, 2024, the offender's conditions of supervised release were explained by the probation officer and he signed said conditions acknowledging he understood his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition #3: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 3, by ingesting controlled substances, methamphetamine and amphetamine, on or about October 29, 2024.

On October 30, 2024, the offender submitted a urine specimen at Pioneer Human Services (PHS), that returned presumptive positive for methamphetamine and amphetamine. On that same date, he signed an admission form acknowledging use of said substances on or about October 29, 2024.

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- 2 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 3, by ingesting controlled substances, methamphetamine and amphetamine, on or about November 12, 2024.

On November 13, 2024, the offender submitted a urine specimen at PHS that returned presumptive positive for methamphetamine and amphetamine. On that same date, he signed an admission form acknowledging use of said substances on or about November 12, 2024.

- 3 **Special Condition #2:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: The offender is alleged to have violated special condition number 2, by failing to attend scheduled group treatment sessions at PHS on November 22 and 26, 2024.

The probation officer received email correspondence from Mr. Fowler's treatment counselor indicating he failed to report for scheduled substance abuse group treatment sessions on November 22 and 26, 2024.

- 4 **Special Condition #1:** You must complete a mental health evaluation and follow any treatment recommendations of the evaluating professional which do not require forced or psychotropic medication and/or inpatient confinement, absent further order of the court. You must allow reciprocal release of information between the supervising officer and treatment provider. You must contribute to the cost of treatment according to your ability to pay.

Supporting Evidence: The offender is alleged to have violated special condition number 1, by failing to attend a scheduled mental health treatment session at PHS on November 22, 2024.

The probation officer received email correspondence from Mr. Fowler's treatment counselor indicating he failed to report for a scheduled individual mental health treatment session on November 22, 2024.

- 5 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: The offender is alleged to have violated standard condition number 13, by failing to follow the probation officer's instructions on November 25, 2024.

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On November 25, 2024, the probation officer attempted to contact the offender via telephone to address his missed treatment sessions. At that time, the probation officer left him a voicemail instructing him to contact the probation officer by 4 p.m. on that same date. A text message was also sent to him with this same information.

Mr. Fowler failed to contact the probation officer as instructed.

- 6 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 3, by failing to report to PHS for urinalysis testing on November 25, 2024.

The probation office received email correspondence from PHS indicating the offender failed to report for urinalysis testing on November 25, 2024.

- 7 **Standard Condition #2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: The offender is alleged to have violated standard condition number 2, by failing to report to the U.S. Probation Office on November 26, 2024.

On November 21, 2024, the offender was instructed to report to the U.S. Probation Office on November 26, 2024 at 8 a.m. He failed to report for this scheduled appointment, as directed by the undersigned. Later that same day, at approximately 11:24 a.m., Mr. Fowler contacted the probation officer and advised he overslept.

- 8 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 3, by ingesting a controlled substance, methamphetamine, on or about November 24, 2024.

On November 26, 2024, the offender submitted a urine specimen at the U.S. Probation Office that returned presumptive positive for methamphetamine. At that time, he signed an admission form acknowledging use of said substance. It should be noted, the urine specimen also returned presumptive positive for MDMA; however, he denied use of this substance. The urine specimen was thereafter sent to the national laboratory for confirmation testing.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 26, 2024

s/Lori Cross

Lori Cross

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



A handwritten signature in blue ink that reads "Thomas A. Rice".

Signature of Judicial Officer

11/26/2024

Date